

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DEMETRIUS WHITE,)
Plaintiff,)
v.) No. 12-04258-CV-FJG
CONOPCO, INC., *et. al.*,)
Defendants.)

ORDER

Before the Court is plaintiff's response (Doc. No. 78) to the Court's Order to Show Cause (Doc. No. 76).

The Court previously noted that (1) plaintiff failed to appear for his deposition, which was properly noticed for June 11, 2013, even though he had previously indicated to counsel that he would appear; (2) plaintiff reportedly filed only "threadbare" responses to interrogatories, and provided no documents in response to requests for production; and (3) plaintiff failed to file his "Designation of Discriminatory Incidents" by June 10, 2013, the due date under the Court's Scheduling Order (Doc. No. 31). See Doc. No. 76. The Court further noted that plaintiff has a history of delay in the prosecution of this case. Plaintiff failed to file a timely response to defendant Accenture LLP's motion to dismiss (Doc. No. 5, filed on October 11, 2012), and on November 29, 2012, the Court issued an Order to Show Cause why the case should not be dismissed (Order, Doc. No. 13). On February 26, 2013, the Court issued an Order directing plaintiff to file a motion for leave to file an amended complaint, correcting the deficiencies outlined in the Court's Order. See Order, Doc. No. 34. On March 18, 2013, plaintiff filed an amended complaint (Doc. No. 38)¹, and on April 1, 2013, defendants Accenture LLP and Verifications Inc. filed motions to dismiss (Doc. Nos. 42 and 45). Again, plaintiff failed to file a timely response to the motions to dismiss, and the Court was again required to issue an Order to Show Cause in order to prompt plaintiff to respond. See Order, Doc. No. 53, filed on April 23, 2013. On this record, it appeared to the Court that plaintiff would not take the steps

¹ The "Amended Complaint" was not filed with the permission of the Court or with the

necessary to prosecute his case unless the Court ordered him to do so. See Doc. No. 76.

Plaintiff responded to the Court's order to show cause, indicating that (1) he has compiled a variety of information that should be considered against defendants; (2) he should be held to a lesser standard given that he is not represented by counsel; (3) defendants have also given "threadbare" responses to his interrogatories; and (4) the EEOC delayed and procrastinated in its handling of his case.

None of this is responsive to the Court's concerns that (1) plaintiff failed to attend his properly-noticed deposition and (2) plaintiff failed to file his designation of discriminatory incidents by the due date under the Court's Scheduling and Trial Order. Pro se litigants are not excused from complying with court orders or substantive and procedural law. Farnsworth v. City of Kansas City, Mo., 863 F.2d 33, 34 (8th Cir. 1988); Carman v. Treat, 7 F.3d 1379, 1381 (8th Cir. 1993). Further, despite plaintiff's protestations to the contrary, plaintiff has demonstrated a history of delay prosecuting his own case. Once plaintiff has filed a case in a court, he can no longer proceed on his own schedule; he must abide by the schedule imposed by the Court, and if he cannot comply with that schedule, he must give advance notice and reasons for the inability to comply. Plaintiff has demonstrated that he cannot comply with the Court's schedule, and has not complied with the orders of this court and the discovery obligations imposed on him by the Federal Rules of Civil Procedure. Therefore, plaintiff's claims are **DISMISSED WITH PREJUDICE** for failure to prosecute, failure to comply with the orders of this Court, and failure to comply with discovery obligations. All pending motions in this matter are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order via regular and certified mail to Plaintiff at the following address: Demetrius White, 811 East High Apt. A, Jefferson City, MO 65101.

IT IS SO ORDERED.

Dated:
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge

consent of the adverse parties.